



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

ERNEST Y. MARTIN
CHAIR & PRESIDING OFFICER
IKAIKA ANDERSON
VICE CHAIR
BREENE HARIMOTO
FLOOR LEADER
STANLEY CHANG
CAROL FUKUNAGA
ANN H. KOBAYASHI
JOEY MANAHAN
RON MENOR
KYMBERLY MARCOS PINE

JOURNAL

REGULAR MEETING
5TH SESSION
WEDNESDAY, MARCH 20, 2013

CITY COUNCIL CHAMBER
3RD FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: The video of the full proceedings of this meeting can be viewed at <http://www1.honolulu.gov/cameras/council/index.htm> or a copy of the video may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

Pursuant to adjournment, the regular meeting of the City Council was called to order by the Chair and Presiding Officer, Ernest Y. Martin, at 10:49 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Anderson, Chang, Fukunaga, Harimoto, Kobayashi, Manahan, Menor, Pine, Martin - 9.

INTRODUCTION OF GUESTS

There were no guests.

APPROVAL OF MINUTES

Councilmember Anderson moved that the Minutes of the 4th Session (February 20, 2013) be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Harimoto.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ORDER OF THE DAY – MORNING CALENDAR

ADOPTION

RESOLUTION 13-38 – COMMITTEE REPORT 53

RESOLUTION RELATING TO THE NOMINATION OF TONI P. ROBINSON AS DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Manahan moved that Committee Report 53 and Resolution 13-38 be adopted. Seconded by Councilmember Menor.

The following individuals testified:

1. Walter M. Ozawa (M-558) (Support)
2. Alvin Hong (Support)

Councilmember Manahan urged councilmembers to support Resolution 13-38 and noted that Ms. Robinson is well qualified for the position. Her goals include beautifying parks, developing public-private partnerships and developing strategies to maintain existing park facilities.

Committee Report 53 and Resolution 13-38 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Chair Martin recognized and congratulated Ms. Robinson on her appointment.

Ms. Robinson thanked the Council and noted that she looks forward to working with everyone.

ADOPTION

RESOLUTION 13-14 – COMMITTEE REPORT 54

RESOLUTION RELATING TO THE NOMINATION OF EMBER L. SHINN AS MANAGING DIRECTOR OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Menor moved that Committee Report 54 and Resolution 13-14 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Councilmember Menor urged councilmembers to join him in support of Resolution 13-14. Having worked with Ms. Shinn at the Legislature, he attested to her credentials and stated that she would do an effective job as the Managing Director given her qualifications and experience. He looks forward to working with Ms. Shinn in striving to make the City a livable, vibrant and prosperous place for its residents.

Committee Report 54 and Resolution 13-14 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.

NOES: None.

Chair Martin recognized and congratulated Ms. Shinn on her appointment.

Ms. Shinn thanked the Council for their support and noted that she looks forward to working with councilmembers.

Related communications:

M-502 Susan M. Char

M-505 Dayton M. Nakanelua, United Public Workers

M-522 Al Lardizabal, Laborers' Union Local 368
M-547 John White, The Pacific Resource Partnership

ADOPTION

RESOLUTION 13-15 – COMMITTEE REPORT 55

RESOLUTION RELATING TO THE NOMINATION OF CAROLEE C. KUBO AS THE DIRECTOR OF HUMAN RESOURCES OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Menor moved that Committee Report 55 and Resolution 13-15 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Councilmember Menor urged councilmembers to join him in support of Resolution 13-15 and noted that a review of her credentials and the voluminous testimony in support of Ms. Kubo was a testament that she possessed the experience and qualifications to do a solid job as the Director of Human Resources.

Committee Report 55 and Resolution 13-15 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

Chair Martin recognized and congratulated Ms. Kubo on her appointment.

Ms. Kubo thanked the Council for its vote of confidence and noted that she looks forward to working with councilmembers and serving the people of the City and County of Honolulu.

Related communication:

M-506 Dayton M. Nakanelua, United Public Workers

ADOPTION

RESOLUTION 13-43 – COMMITTEE REPORT 66

RESOLUTION RELATING TO THE NOMINATION OF PAMELA A. WITTY-OAKLAND AS DIRECTOR OF THE DEPARTMENT OF COMMUNITY SERVICES OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Pine moved that Committee Report 66 and Resolution 13-43 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Councilmember Pine spoke in strong support of Resolution 13-43. She noted that Ms. Witty-Oakland would do a great job as the Director of Community Services given her experience with the Sisters of St. Francis and her commitment to find solutions to efficiently use City resources to address homelessness and affordable housing.

Committee Report 66 and Resolution 13-43 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Chair Martin recognized and congratulated Ms. Witty-Oakland on her appointment.

Ms. Witty-Oakland thanked the Council for its vote of confidence and noted that she looks forward to working with councilmembers and the residents of the City and County of Honolulu.

Related communication:

M-523 Kali Watson, Sovereign Council of Hawaiian Homelands Assembly

THIRD READING

BILL 72 (2012), CD1 – COMMITTEE REPORT 46

A BILL FOR AN ORDINANCE RELATING TO SMOKING.

The following amendment was handcarried to the meeting:

Bill 72 (2012), CD1, Proposed FD1 (OCS/022713/10:50/YL)

Councilmember Fukunaga moved that Committee Report 46 be adopted and Bill 72 (2012) pass third reading, as amended to CD1. Seconded by Councilmember Pine.

Councilmember Anderson moved that the Bill be amended to the handcarried FD1. Seconded by Councilmember Kobayashi. The amendment prohibits smoking at all City parks.

The following individuals testified:

1. Julian Lipsher, Department of Health (Support)
2. Annie Hollie, Coalition for a Tobacco-Free Hawaii (M-524) (Support)
3. Barbra Armentrout (Support)
4. Stuart Coleman, Surfrider Foundation (M-559) (Support)
5. Gary Pacarro, Sustainable Coastlines Hawaii (Support)
6. Joy Leilei Shih (M-560) (Support)
7. Matthew Lo Presti, Sierra Club (Support)
8. Michael Zehner, Hawaii Smokers Alliance (M-562) (Oppose)
9. Lindsey Kesel, Sustainable Coastlines Hawaii (M-561) (Support)
10. Alan Hong (Support)
11. Kahi Pacarro, Sustainable Coastlines Hawaii (M-563) (Support)

Councilmember Fukunaga urged councilmembers to support Bill 72 (2012), CD1 and noted that the Department of Parks and Recreation preferred the partial ban on smoking and the Committee advanced the CD1 as a means of implementing the most reasonable steps going forward.

Councilmember Chang encouraged councilmembers to join him in support of Bill 72 (2012), CD1. After working for months on the measure with the Committee, members of the community, the business community and the Honolulu Police Department, he noted that the overwhelming consensus was for an interim incremental measure to prohibit smoking at certain beaches as a valuable first step towards a future island-wide ban. He stated that implementing an incremental ban would allow the gathering of data on the effectiveness of such a ban and the impact on both residents and visitors. He noted that there was testimony in overwhelming support of a smoking ban at these beaches for public health and safety and the cleanliness of these beaches.

Councilmember Harimoto echoed the comments of Councilmembers Fukunaga and Chang in support of Bill 72 (2012), CD1. While he supports an island-wide ban, he noted that there is much merit to starting small, learning from experience and making adjustments as needed before going island-wide.

Bill 72 (2012), CD1 failed to be amended to FD1.

AYES: ANDERSON, KOBAYASHI, MANAHAN, MARTIN – 4.
NOES: CHANG, FUKUNAGA, HARIMOTO, MENOR, PINE – 5.

Councilmember Anderson spoke in continued opposition to Bill 72 (2012), CD1 and noted that rather than prohibiting smoking at a handful of beaches, the City should protect public health and safety at all City beaches.

Councilmember Chang again encouraged councilmembers to support Bill 72 (2012), CD1. He noted that given the outpouring of testimony, the measure is overdue and is a step in the right direction to improving the quality of life for residents and visitors and for ensuring cleaner and smoke-free beaches at some of the City's most important visitor destinations.

Committee Report 46 was adopted and Bill 72 (2012), CD1 passed third reading, as amended.

AYES: CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR,
 PINE, MARTIN – 8.
NOES: ANDERSON – 1.

Related communications:

D-170	Jon Chinen, Kailua Neighborhood Board
M-491	Jerry O'Hie
M-492	Jacinda Elias
M-503	Doug Fetterly
M-507	Mara Pyzel
M-513	Rob Barreca
M-514	Alyson Emde, Staffing Solutions
M-516	Tammy Chang
M-517	Nick Farrant
M-521	Jamie Louis
M-525	Risa Oram
M-526	Cherylyn Diller and Jason Strohan
M-527	Pahedra E. Ranges

M-528	Mariya Kai Gold
M-529	Kent Mori Walther
M-530	Carter C. Koch
M-546	Suzanne Frazer, Beach Environmental Awareness Campaign Hawai'i
M-548	Doorae Shin
M-564	Jason Park
M-565	The Chamber of Commerce of Hawaii
M-566	Natalie Iwasa
M-567	Lisa Oshiro
M-568	Shay Kauwe
M-569	Roxanne Rivero
M-570	Steven Mazur
M-571	Loretta J. Fuddy, State Department of Health
M-572	Maile Sakamoto
M-573	B.A. McClintock, Respiratory & Environmental Disabilities Association of Hawaii
M-574	Dean Otsuki
M-575	Susie Stephen
M-576	Thorne Abbott
M-577	Elaine M. Heiby
M-578	Mahina Chillingworth
M-579	Noenoe Barney-Campbell
M-580	Michelle Gardner
M-581	Jeff Merz
M-601	Ann Lee
P-3	Reyna Pila, et al.
P-4	Crissy Kawamoto, et al.

THIRD READING

BILL 78 (2012) – COMMITTEE REPORT 47

A BILL FOR AN ORDINANCE RELATING TO PALMISTRY.

Councilmember Fukunaga moved that Committee Report 47 be adopted and Bill 78 (2012) pass third reading. Seconded by Councilmember Pine.

There was no public testimony.

Committee Report 47 was adopted and Bill 78 (2012) passed third reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

THIRD READING

BILL 4, CD2, FD1 – COMMITTEE REPORT 59

A BILL FOR AN ORDINANCE RELATING TO SMOKING.

The following amendment was handcarried to the meeting:

Bill 4, CD2, Proposed FD1 (OCS/032013/09:27/CT)

Councilmember Kobayashi moved that Committee Report 59 be adopted and Bill 4, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Chang.

Councilmember Kobayashi moved that the Bill be amended to the handcarried FD1. Seconded by Councilmember Chang. The FD1 makes the following amendments:

1. Adds a new subsection that states in the event of disagreement between any agency involved in administration of a disputed charge, the decision of the Director of Community Services shall prevail.
2. States that the Director of Budget and Fiscal Services administers the Fund and the Director of Community Services administers the projects funded by the grants from the Fund.
3. Requires the Director of Community Services to provide the Council with an annual report.
4. Establishes that for projects funded through the FY 2014 budget only, the deadline for submission of applications to the Commission shall be June 28, 2013, and the deadline for the Commission to make its recommendations to Council shall be August 1, 2013.

5. Establishes that for projects funded through the FY 2014 budget only, the Council may review the projects considered by the Commission and may establish priorities for the expenditure of monies from the Fund.

Chair Martin stated that he worked with the Budget Chair to author most of the amendments. He noted that the amendment deleting the provision with regards to the restriction that the duties may not be delegated to any other agencies was in response to legal advice.

The following individuals testified:

1. Natalie Iwasa (General comment)
2. Bob Nakata, Faith Action for Community Equity (Support)

Councilmember Harimoto noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-14).

Councilmember Harimoto spoke in support of the amendment which addressed the concerns raised by Corporation Counsel.

Councilmember Chang spoke in continued support of Bill 4, CD2, FD1. He noted that the funds that will become available for social service providers across the island is extremely significant on a number of levels. First, at a time of great uncertainty over Federal funding, many social service providers are looking for new funding sources, and the City is stepping up to the plate in a large way. Second, several programs that have been proposed to address issues like homelessness have suffered because of a lack of ongoing operational funding and this new potential source of funds would help address these issues.

Chair Martin stated that Councilmember Chang's remarks were very appropriate and that Bill 4, CD2, FD1 demonstrates that the Council is not insensitive to the homeless issue.

Bill 4, CD2 was amended to FD1.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.
NOES: None.

Council Rule 19.F relating to 48-hour notice was waived.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Councilmember Kobayashi thanked Chair Martin for moving Bill 4, CD2, FD1 forward and generating community interest. She noted that Federal funding has diminished over the years and that the Grants in Aid Fund would assist many non-profit organizations struggling to survive and provide needed community services.

Councilmember Anderson spoke in strong support of Bill 4, CD2, FD1. He noted that for the past few years, constituents have been exceedingly frustrated that funds earmarked for the non-profit community are directed to other City agencies and the Council has been powerless to correct the situation. He stated that the Bill would allow the Council to ensure that these funds are dedicated solely to non-profit communities.

Committee Report 59 was adopted and Bill 4, CD2, FD1 passed third reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Related communication:

MM-43 Mayor Kirk Caldwell

THIRD READING

BILL 71 (2012), CD2, FD1 – COMMITTEE REPORT 60

A BILL FOR AN ORDINANCE RELATING TO SMOKING.

The following amendment was handcarried to the meeting:

Bill 71 (2012), CD2, Proposed FD1 (OCS/031813/12:31/CT)

Councilmember Chang moved that Committee Report 60 be adopted and Bill 71 (2012), CD1 pass third reading, as amended to CD2. Seconded by Councilmember Kobayashi.

Councilmember Chang moved that the Bill be amended to the handcarried FD1. Seconded by Councilmember Kobayashi. The amendment adds an effective date clause.

The following individual testified:

Natalie Iwasa (Support)

Bill 71 (2012), CD2 was amended to FD1.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.
NOES: None.

Council Rule 19.F relating to 48-hour notice was waived.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.
NOES: None.

Committee Report 60 was adopted and Bill 71 (2012), CD2, FD1 passed third reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.
NOES: None.

RECESS/RECONVENE

At 11:45 a.m., the Chair called for a short recess and reconvened the meeting at 11:47 a.m.

FIRST READING **BILL 10**

(Budget)

A BILL FOR AN ORDINANCE RELATING TO THE LEGISLATIVE BUDGET FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014.

Councilmember Anderson moved that Bill 10 pass first reading. Seconded by Councilmember Harimoto.

The following individual testified:

Natalie Iwasa (General comment)

Bill 10 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.

NOES: None.

FIRST READING

BILL 11

(Budget)

A BILL FOR AN ORDINANCE RELATING TO THE EXECUTIVE OPERATING BUDGET
AND PROGRAM FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014.

Councilmember Anderson moved that Bill 11 pass first reading. Seconded by
Councilmember Harimoto.

The following individuals testified:

1. Natalie Iwasa (General comment)
2. Barbra Armentrout (General comment)

Bill 11 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.

NOES: None.

FIRST READING

BILL 12

(Budget)

A BILL FOR AN ORDINANCE RELATING TO THE EXECUTIVE CAPITAL BUDGET AND
PROGRAM FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014.

Councilmember Anderson moved that Bill 12 pass first reading. Seconded by
Councilmember Harimoto.

The following individual testified:

Natalie Iwasa (General comment)

Bill 12 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

FIRST READING

BILL 13

(Budget)

A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS AND BOND ANTICIPATION NOTES OF THE CITY AND COUNTY OF HONOLULU IN A MAXIMUM PRINCIPAL AMOUNT EQUAL TO THE AGGREGATE OF THE AMOUNTS APPROPRIATED IN THE CAPITAL BUDGET ORDINANCE OF SAID CITY AND COUNTY FOR THE FISCAL YEAR ENDING JUNE 30, 2014, AND SPECIFIED IN SAID ORDINANCE TO BE FINANCED FROM THE PROCEEDS OF THE SALE OF SUCH BONDS AND TO BE EXPENDED FROM THE GENERAL IMPROVEMENT BOND FUND, THE HIGHWAY IMPROVEMENT BOND FUND, SOLID WASTE IMPROVEMENT BOND FUND, OR THE HOUSING DEVELOPMENT SPECIAL FUND.

Councilmember Anderson moved that Bill 13 pass first reading. Seconded by Councilmember Harimoto.

The following individual testified:

Natalie Iwasa (General comment)

Bill 13 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

FIRST READING

BILL 14

(Budget)

A BILL FOR AN ORDINANCE RELATING TO THE MUNICIPAL STORES REVOLVING FUND.

Councilmember Anderson moved that Bill 14 pass first reading. Seconded by Councilmember Harimoto.

The following individual testified:

Natalie Iwasa (Support)

Bill 14 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.

NOES: None.

FIRST READING

BILL 15

(Budget)

A BILL FOR AN ORDINANCE RELATING TO FEES FOR CERTAIN PERMITS AND SERVICES ADMINISTERED BY THE DEPARTMENT OF PLANNING AND PERMITTING.

Councilmember Anderson moved that Bill 15 pass first reading. Seconded by Councilmember Harimoto.

There was no public testimony.

Bill 15 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-582 Gladys Marrone, Building Industry Association of Hawaii

FIRST READING

BILL 16

(Budget)

A BILL FOR AN ORDINANCE DETERMINING THE REAL PROPERTY TAX RATES FOR THE CITY AND COUNTY OF HONOLULU FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014.

Councilmember Anderson moved that Bill 16 pass first reading. Seconded by Councilmember Harimoto.

There was no public testimony.

In response to Councilmember Anderson, Diane Kawauchi, Department of the Corporation Counsel, stated that:

- At issue is the City Charter language governing when the City Council will act by way of an ordinance as opposed to resolution.
- Historically, the Honolulu City Council has set property tax rates by resolution, not by bill. She did not know how neighbor island counties set property tax rates.
- Currently, the Mayor cannot veto a resolution setting property tax rates. If the City Council were to set property tax rates by bill, the Mayor could veto the bill.

Councilmember Anderson noted he would support Bill 16 with severe reservations and noted that if and when the Bill was taken up in Committee, he would state his strong objections to the measure. He raised concerns that setting property tax rates by bill would allow the Mayor to veto the measure.

Bill 16 passed first reading.

AYES: ANDERSON*, CHANG*, FUKUNAGA, HARIMOTO, KOBAYASHI,
 MANAHAN, MENOR, PINE, MARTIN* – 9.
NOES: None.

*Councilmembers Anderson and Chang and Chair Martin voted aye with reservations.

At this juncture, the Chair considered Bill 18 from page 9 of the agenda.

FIRST READING

BILL 18

(Budget)

A BILL FOR AN ORDINANCE RELATING TO BUDGET DETAILS.

Councilmember Anderson moved that Bill 18 pass first reading. Seconded by Councilmember Harimoto.

The following individual testified:

Natalie Iwasa (Support)

Councilmember Kobayashi stated that Bill 18 was introduced to ensure that the Administration follow the past practice of previous mayors of submitting line item details with the budget.

Bill 18 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

RECESS/RECONVENE

At 12:17 p.m., the Chair called for a short recess and reconvened the meeting at 12:18 p.m.

The Council Chair returned to the agenda order.

FILED
BILL 17

(Budget)

A BILL FOR AN ORDINANCE DETERMINING THE COUNTY FUEL TAX RATES FOR THE CITY AND COUNTY OF HONOLULU.

Councilmember Anderson moved that Bill 17 pass first reading. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Mayor Kirk Caldwell, City and County of Honolulu (MM-42) (Support)

In response to Councilmember Kobayashi, Mayor Caldwell stated that:

- In looking for revenue to repave roads at an increased level and restore bus routes, the Administration considered a number of alternatives. Increasing real property taxes was not an option because it would have an across-the-board impact on every single resident on the island, not just those who drive on the roads and highways.
- While most of the vehicles on Oahu use fossil fuel, sales of hybrids and electric vehicles are increasing.
- Increased road repaving work would help stimulate the local economy.
- There would need to be a 30 percent across-the-board bus fare increase in order to reach the same revenue goal as the proposed fuel tax increase.
- While the Administration's immediate goal is to restore bus and handi-van routes, the ultimate objective is to increase the number of routes.
- With the issuance of the Request for Proposals by the Board of Water Supply, hopefully some good designs will be submitted for the development of its property resulting in an increase in revenue for the Board.

2. Richard Wallsgrove, Blue Planet Foundation (M-549) (Support)
3. Barbra Armentrout (Support)

4. Carl Yee (Support)
5. Mary Wong (Support)
6. Shannon Alivado, General Contractors Association (M-551) (Support)
7. Chad Taniguchi (M-583) (Support)
8. Natalie Iwasa (Support)
9. Matthew Lo Presti, Sierra Club (Support)

Councilmember Anderson spoke in opposition to moving Bill 17 forward. He stated that he introduced Bill 22 to establish a County highway use fee which would replace the City gasoline tax. He noted that eliminating the City gasoline tax would reduce the cost of each gallon by 16.5 cents. His rationale for proposing Bill 22 was two-fold: (1) electric vehicles use the same roads but do not pay the County gasoline surcharge and hybrid vehicles pay a lesser share in gasoline taxes; and (2) income from the gasoline tax has declined more than 5 percent over the past seven years while the number of vehicles on the roads has increased by close to 20 percent. He noted that with the passage of a Charter amendment in 2012, the Council can create a special fund for any surcharges or fees.

Councilmember Kobayashi spoke in opposition to Bill 17 and noted that road repairs are not dependent on a fuel tax increase. She stated that the \$150 million for road repair proposed by the Administration was not predicated on an increase of the gasoline tax. She noted that the Council has chosen not to raise taxes when residents are struggling during these tough economic times.

Councilmember Harimoto spoke in support of passing Bill 17 on first reading in order to have full debate and discussion and to keep the option of a fuel tax increase open. He expressed his concerns regarding the use of bond funding to pay for road repairs. At the National Association of Counties conference, he learned that the Federal government is looking at a sliding scale, an index scale and vehicle miles traveled; however, all of these alternatives would take years to debate and years to develop.

Requesting that his comments be reflected in the minutes, Councilmember Menor stated that he would be supporting Bill 17 with strong reservations. While he echoed the concerns about the potential negative impacts of a fuel tax increase on residents who travel long distances on a daily basis from outlying communities, he noted his support of moving the measure forward for the following reasons:

- The Bill could serve as a vehicle for continued discussion on alternative sources of funding for the services, facilities and infrastructure improvements so badly needed on the island.

- All options should be kept on the table because it may take a combination of financing options to fund these important services and infrastructure improvements.
- Even if Bill 17 passes first reading, the measure would still have to undergo a lengthy and extensive review process by the Council before a final decision is rendered.
- Bill 17 raises important issues and the public should be afforded ample opportunity to testify on the measure.

Councilmember Chang spoke in opposition to passage of Bill 17 on first reading. He echoed some of the comments made by other opponents of the measure and noted the overwhelming public opposition to the measure. He stated that it would be premature for the Administration to seek a gas tax increase when it has not expended any of the \$100 million appropriated for road repaving in 2012. He noted that what causes a road to degrade is not passenger vehicles but the wind, rain, sun, heavy vehicles like buses, construction vehicles and large trucks. Reiterating his strong skepticism regarding the Administration's contention that fuel tax and property tax rates be determined by bill rather than resolution, he stated that it would be contrary to decades of past practice by the City Council and would also be contrary to the plain reading of the Hawaii Revised Statutes which requires that the amount of the fuel tax "shall be determined by resolution." He noted that State statutes supersede the City Charter.

Chair Martin urged councilmembers to join him in opposition to the passage of Bill 17 on first reading. He noted that the five neighborhood boards in District II have all urged him to do everything within his power to deny moving the measure forward. He stated his proposed CD1 budget amendments include the necessary funds to restore bus services. With respect to the additional revenues that would be generated towards debt services that would be put forward for road improvement projects, he noted that the Mayor's proposal was overly ambitious because the Administration has had balances for the road improvement project going back to 2009. With regard to road improvements, the Council has led the effort to increase the road improvement budget from \$41 million to \$77 million in 2011 and from \$77 million to \$100 million in 2012. In both instances, the Council was able to increase that particular line item without having to raise the fuel tax. He noted that a 5-cent increase would be a tough sell to his constituents.

Bill 17 failed to pass first reading.

AYES: FUKUNAGA, HARIMOTO, MENOR* – 3.
NOES: ANDERSON, CHANG, KOBAYASHI, MANAHAN, PINE, MARTIN – 6.

*Councilmember Menor voted aye with reservations.

Councilmember Anderson moved that Bill 17 be filed. Seconded by Councilmember Kobayashi.

Bill 17 was filed.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR*, PINE, MARTIN – 9.
NOES: None.

*Councilmember Menor voted aye with reservations.

Related communications:

M-500	Gareth K. Sakakida, Hawaii Transportation Association
M-518	Al Lardizabal, Hawaii Laborers' Union
M-584	Royal Contracting Company
M-585	Dayton M. Nakanelua, United Public Workers

(Note: Bill 18 was considered earlier in the meeting. See page 17.)

RECESS/RECONVENE

At 12:53 p.m., the Chair called for a short recess and reconvened the meeting at 1:02 p.m.

FIRST READING

BILL 19

(Budget)

A BILL FOR AN ORDINANCE RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014.

Councilmember Anderson moved that Bill 19 pass first reading. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Gladys Marrone, Building Industry Association of Hawaii (M-531) (Support)
2. Shannon Alivado, General Contractors Association of Hawaii, (M-552) (Support)

Bill 19 passed first reading.

AYES: FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 7.
NOES: None.
ABSENT: ANDERSON, CHANG – 2.

Related communication:

M-586 Theresia C. McMurdo, Kapolei Chamber of Commerce

FIRST READING

BILL 20

(Budget)

A BILL FOR AN ORDINANCE RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET AND PROGRAM FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014.

Councilmember Anderson moved that Bill 20 pass first reading. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Gladys Marrone, Building Industry Association of Hawaii (M-531) (Support)
2. Shannon Alivado, General Contractors Association of Hawaii, (M-552) (Support)
3. Barbra Armentrout (General comment)

Bill 20 passed first reading.

AYES: FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE,
MARTIN – 7.

NOES: None.

ABSENT: ANDERSON, CHANG – 2.

Related communication:

M-586 Theresia C. McMurdo, Kapolei Chamber of Commerce

FIRST READING

BILL 21

(Budget)

A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS AND BOND ANTICIPATION NOTES OF THE CITY AND COUNTY OF HONOLULU IN A MAXIMUM PRINCIPAL AMOUNT EQUAL TO THE AGGREGATE OF THE AMOUNTS APPROPRIATED FOR THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET PROJECTS IN THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET AND PROGRAM ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 2014, AND SPECIFIED IN SAID ORDINANCE TO BE FINANCED FROM THE PROCEEDS OF THE SALE OF SUCH BONDS AND TO BE EXPENDED FROM THE TRANSIT IMPROVEMENT BOND FUND.

Councilmember Anderson moved that Bill 21 pass first reading. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Gladys Marrone, Building Industry Association of Hawaii (M-531) (Support)
2. Shannon Alivado, General Contractors Association of Hawaii, (M-552) (Support)

Bill 21 passed first reading.

AYES: FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE,
MARTIN – 7.

NOES: None.

ABSENT: ANDERSON, CHANG – 2.

Related communication:

M-586 Theresia C. McMurdo, Kapolei Chamber of Commerce

ADOPTION

RESOLUTION 13-28 – COMMITTEE REPORT 49

RESOLUTION APPOINTING MAYOR KIRK CALDWELL TO THE POSITION OF DEPUTY DIRECTOR OF CIVIL DEFENSE FOR THE CITY AND COUNTY OF HONOLULU.

Councilmember Fukunaga moved that Committee Report 49 and Resolution 13-28 be adopted. Seconded by Councilmember Pine.

The following individual testified:

Barbra Armentrout (Support)

Committee Report 49 and Resolution 13-28 were adopted.

AYES: CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR,
 PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

ADOPTION

RESOLUTION 13-1 – COMMITTEE REPORT 51

RESOLUTION REQUESTING THE CITY ADMINISTRATION TO PROVIDE ELECTRONIC BENEFIT TRANSFER (EBT) POINT-OF-SALE TERMINALS AT THE CITY'S PEOPLE'S OPEN MARKET PROGRAM VENUES TO ASSIST LOW-INCOME FAMILIES IN PURCHASING FRESH AND HEALTHY FOODS.

Councilmember Manahan moved that Committee Report 51 and Resolution 13-1 be adopted. Seconded by Councilmember Menor.

The following individuals testified:

1. Tina Tamai, State Department of Health (SDOH) (Support)

In response to Councilmember Harimoto, Ms. Tamai stated that:

- With stricter United States Department of Agriculture policies, other than Kokua Kalihi Valley, non-profit organizations are not allowed to partner with the People's Open Market to provide EBT terminal access.
- The SDOH has a strong collaborative partnership and network of State, County and Federal programs, private organizations and the community ready to support the City's efforts to provide EBT terminal access at People's Open Markets.

2. Barbra Armentrout (Support)
3. Jesse Lipman, Kokua Kalihi Valley (M-587) (Support)
4. Jaci Agustin, YMCA of Honolulu (Support)
5. Joy Barua, Kaiser Permanente (Support)

Councilmember Manahan urged councilmembers to join him in strong support of Resolution 13-1. He stated that the program is a win-win situation for both the customer who gets \$2 worth of produce for every EBT dollar spent and for the local farmer who brings produce to the open market. He noted that the program was implemented cost-effectively and successfully at the Kalihi Open Market.

Committee Report 51 and Resolution 13-1 were adopted.

AYES: CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 8.

NOES: None.

ABSENT: ANDERSON – 1.

Related communications:

M-545 Kukunaokalā Yoshimoto
M-550 Loretta J. Fuddy, State Department of Health
M-588 Keoni Andrews

ADOPTION

RESOLUTION 13-27 – COMMITTEE REPORT 52

RESOLUTION REQUESTING THE CITY AUDITOR TO AUDIT THE DEPARTMENT OF CUSTOMER SERVICES' MOTOR VEHICLE, LICENSING AND PERMITS PROGRAM.

Councilmember Manahan moved that Committee Report 52 and Resolution 13-27 be adopted. Seconded by Councilmember Menor.

The following individual testified:

Sheri Kajiwara, Department of Customer Services (Support)

Committee Report 52 and Resolution 13-27 were adopted.

AYES: CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 8.

NOES: None.

ABSENT: ANDERSON – 1.

ADOPTION

RESOLUTION 13-24, CD1 – COMMITTEE REPORT 34

RESOLUTION ESTABLISHING CITY POLICIES AND PRIORITIES FOR THE USE OF GRANTS IN AID FUND.

Councilmember Kobayashi moved that Committee Report 34 and Resolution 13-24, CD1 be adopted. Seconded by Councilmember Chang.

The following individual testified:

Natalie Iwasa (General comment)

Committee Report 34 and Resolution 13-24, CD1 were adopted.

AYES: CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 8.

NOES: None.

ABSENT: ANDERSON – 1.

Related communication:

M-589 Blair D. Collis, Bernice Pauahi Bishop Museum

ADOPTION

RESOLUTION 13-32 – COMMITTEE REPORT 62

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION OF THE CITY AND COUNTY OF HONOLULU, OR HIS DESIGNATED REPRESENTATIVE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR A GRANT TO ASSIST WITH THE CONSTRUCTION OF OUTDOOR RECREATION FACILITIES AT ALA WAI COMMUNITY PARK.

Councilmember Pine moved that Committee Report 62 and Resolution 13-32 be adopted.
Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 62 and Resolution 13-32 were adopted.

AYES: CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR,
PINE, MARTIN – 8.

NOES: None.

ABSENT: ANDERSON – 1.

ADOPTION

RESOLUTION 13-33 – COMMITTEE REPORT 63

RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION OF THE CITY AND COUNTY OF HONOLULU, OR HIS DESIGNATED REPRESENTATIVE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR A GRANT TO ASSIST WITH THE CONSTRUCTION OF OUTDOOR RECREATION FACILITIES AT EWA MAHIKO DISTRICT PARK.

Councilmember Pine moved that Committee Report 63 and Resolution 13-33 be adopted.
Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 63 and Resolution 13-33 were adopted.

AYES: CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR,
PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

ADOPTION

RESOLUTION 13-39, CD1 – COMMITTEE REPORT 64

RESOLUTION AUTHORIZING THE MAYOR, THE DIRECTOR OF COMMUNITY SERVICES, OR THE DIRECTOR'S DESIGNEE TO APPLY FOR YOUTHBUILD GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF LABOR (USDOL) UNDER THE YOUTHBUILD HONOLULU PROGRAM.

Councilmember Pine moved that Committee Report 64 and Resolution 13-39, CD1 be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 64 and Resolution 13-39, CD1 were adopted.

AYES: CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR,
PINE, MARTIN – 8.
NOES: None.
ABSENT: ANDERSON – 1.

Related communication:

D-142 Pamela A. Witty-Oakland, Department of Community Services

ADOPTION

RESOLUTION 13-40, CD1 – COMMITTEE REPORT 65

RESOLUTION AUTHORIZING THE MAYOR, THE DIRECTOR OF COMMUNITY SERVICES, OR THE DIRECTOR'S DESIGNATED REPRESENTATIVE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF HUMAN SERVICES, OFFICE OF YOUTH SERVICES (OYS), TO CONTINUE THE JUVENILE JUSTICE CENTER.

Councilmember Pine moved that Committee Report 65 and Resolution 13-40, CD1 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Committee Report 65 and Resolution 13-40, CD1 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.

NOES: None.

BALANCE OF COMMITTEE REPORTS

EMLACR-56	To request authorization to settle a claim against the City entitled, John Lee v. City, Matter ID No. 12-03506
EMLACR-57	To request authorization to settle a claim against the City entitled, Vince Hazen v. City, Matter ID No. 12-02433
EMLACR-58	To request for authorization to settle a claim against the City entitled, Rosalie Nadeau, et al. v. City, et al., Civil No. 10-1-0984-05

Councilmember Anderson moved that the Balance of Committee Reports, as listed above, be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

The Balance of Committee Reports was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

SUNSHINE/ADOPTION **RESOLUTION 13-57**

RESOLUTION ACCEPTING A GIFT TO THE CITY TO COVER CERTAIN COUNCIL CONTINGENCY EXPENSES.

Pursuant to HRS Section 92-7, the Sunshine Law, Councilmember Anderson moved that Resolution 13-57 be added to the agenda. Seconded by Councilmember Harimoto.

Resolution 13-57 was added to the agenda.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Councilmember Anderson moved that Resolution 13-57 be adopted. Seconded by Councilmember Harimoto.

The following individual testified:

Natalie Iwasa (General comment)

Councilmember Anderson stated that he decided not to attend the National Association of Counties conference when he was in Washington, D.C. and was reimbursing his contingency fund for his travel expenses.

Resolution 13-57 was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

RECESS/RECONVENE

At 1:33 p.m., the Chair called for a recess and reconvened the meeting at 2:03 p.m.

Excused: Councilmembers Anderson, Chang, Kobayashi and Pine – 4.

EXECUTIVE SESSION ITEMS

There were no Executive Session items.

ORDER OF THE DAY - AFTERNOON CALENDAR

APPOINTMENTS – MAYOR’S CABINET

At this juncture, Chair Martin called upon Mayor Kirk Caldwell, who had requested to personally introduce his Cabinet appointments.

Mayor Caldwell expressed appreciation for the opportunity to briefly introduce two new nominees to his Cabinet for which he requests confirmation from the Council.

PUBLIC HEARING

GERALD H. SAITO, DIRECTOR, DEPARTMENT OF ENTERPRISE SERVICES (MM-27)

There was no public testimony.

Director Designate Saito introduced himself and noted that he looks forward to meeting and working with the Council through the confirmation process.

The Chair referred the matter and Communication MM-27 to the Committee on Budget for further consideration.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, MARTIN - 8.
NOES: None.
ABSENT: PINE – 1.

Related communications:

M-483	Rev. Anne Findlay-Chamberlain, Manoa Valley Church
M-488	Glenn K. Miyataki, Ph.D., Management Consultant
M-489	Melvin Kumasaka
M-490	Evie Yokoyama
M-496	Tom Sugita
M-497	Valerie L. Trotter
M-539	Colleen Manabat, American Mutual Group
M-540	Wilma Sumida
M-541	Orlo D. Jones
M-542	Robert M. Long, Joseph and Vera Long Foundation
M-543	Alvin A. Tanaka, Pacific Transfer
M-544	Rosaline N. Lum

PUBLIC HEARING

GEORGE I. ATTA, DIRECTOR, DEPARTMENT OF PLANNING AND PERMITTING
(MM-28)

The following individuals testified:

1. Henry Eng, FAICP, Helps, LLC (M-487) (Support)
2. John Whalen (M-519) (Support)
3. Kali Watson, Sovereign Council of Hawaiian Home Lands Assembly (M-535) (Support)
4. Paul V. Luersen, AICP, American Planning Association Hawaii Chapter (M-533) (Support)

5. Ursula Retherford (General comment)
6. Ralph E. Portmore, FAICP (M-511) (Support)

Director Designate Atta introduced himself and noted that he looks forward to meeting and working with the Council through the confirmation process.

The Chair referred the matter and Communication MM-28 to the Committee on Zoning and Planning for further consideration.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN - 9.
NOES: None.

Related communications:

M-508	Mary Alice Evans
M-509	Karen Piltz
M-510	Gladys Marrone, Building Industry Association of Hawaii
M-515	Linda C. Miki, Group 70 International, Inc.
M-532	Terrance S. Arashiro, P.E., Austin, Tsutsumi & Associates, Inc.
M-534	The Pacific Resource Partnership
M-536	John M. Knox, John M. Knox & Associates, Inc.
M-537	Steven S. C. Lim, Carlsmith Ball LLP
M-538	Dana Anne Yee, Landscape Architect LLC
M-553	Marnie Koga Hursty, General Contractors Association of Hawaii
M-554	Sherman Wong, Hawaii Chapter, U.S. Green Building Council

SECOND READING/PUBLIC HEARING
BILL 7, CD1, FD1 – COMMITTEE REPORT 48

A BILL FOR AN ORDINANCE RELATING TO NUISANCES ON PUBLIC SIDEWALKS.

The following amendment was posted on the agenda:

Bill 7, CD1, Proposed FD1

Councilmember Fukunaga moved that Committee Report 48 be adopted and Bill 7 pass second reading, as amended to CD1. Seconded by Councilmember Pine.

Councilmember Chang moved that the Bill be amended to FD1. Seconded by Councilmember Fukunaga. The FD1 reverts language to the original Bill by removing provisions pertaining to items affixed to City property, which after discussions with the Honolulu Police Department, would be better addressed in a separate bill.

The following individuals testified:

1. Donald Hargarten (Oppose)
2. Barbra Armentrout (Support)
3. Michael Daly (M-593) (Oppose)
4. David B. Cannell (M-592) (Oppose)
5. Don Crescimanno (Oppose)
6. D'Angelo McIntyre (Oppose)
7. Chu Lan Shubert-Kwock (Support)
8. Roland H. Louie (M-556) (Support)
9. Blade Walsh (Oppose)
10. Sugar Russell (Oppose)
11. Angela Dumais, Institute for Human Services (Oppose)

In response to Councilmember Pine's question, Ms. Dumais explained that she opposes the Bill because there is no "one size fits all" solution to homelessness. She supports providing services to help individuals in homeless situations.

12. Pomerrine Robert, Institute for Human Services (General comment)
13. Laurie Hirohata (M-594) (Support)
14. Patricia Bentley (Oppose)
15. Dave Moskowitz (Oppose)
16. Willie Holly (Oppose)

Bill 7, CD1 was amended to FD1.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN - 9.
NOES: None.

Committee Report 48 adopted and Bill 7, CD1, FD1 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN - 9.
NOES: None.

Related communications:

M-512	Richard C. Rath
M-555	Damian Klein
M-590	Donald R. Guerrero, Kalihi/Palama Neighborhood Board No. 15
M-591	Rachelle Nobriga

SECOND READING/PUBLIC HEARING
BILL 8, CD1 – COMMITTEE REPORT 50

A BILL FOR AN ORDINANCE RELATING TO PUBLIC PARKS.

Councilmember Manahan moved that Committee Report 50 be adopted and Bill 8 pass second reading, as amended to CD1. Seconded by Councilmember Menor.

The following individuals testified:

1. Chuck Prentiss, Kailua Neighborhood Board (D-169) (Oppose)
2. William Hayes (M-557) (Oppose)
3. Michael Daly (Oppose)
4. Sugar Russell (Oppose)
5. Francine Hagstrom (Support)
6. Ursula Retherford (Oppose)
7. Blade Walsh (Oppose)
8. D'Angelo McIntyre (Oppose)
9. Arvid Tadao Youngquist, Mestizo Association (Oppose)
10. Barbra Armentrout (General comment)
11. Patricia Bentley (Oppose)
12. Pauline MacNeil (Support)

In response to questions by Councilmember Anderson, Dawn Spurlin, Deputy Corporation Counsel, explained that if Bill 8 is enacted, it would not impact the implementation of Bill 5 (2011), CD1, FD1 and Bill 11 (2012), CD1, which became Ordinances last year that prohibit commercial activities at certain parks. Bill 8 allows persons to traverse through City beach parks during night closure hours for the purpose of reaching the shoreline. If commercial activity is conducted while traversing through a park, the person can be cited pursuant to

the Ordinances. Deputy Spurlin asserted that it is not necessary to add the term “non-commercial activity” in the Bill, as suggested by the testifiers, because police officers would then need to determine if a person is conducting a “non-commercial activity.” Lastly, she pointed out that activities at the shoreline are under the State’s jurisdiction.

Councilmember Anderson explained that the Bill was introduced to simply allow people, along with their leashed animals, to traverse through a City park in the most direct path to access the shoreline during night closure hours. The Bill is very straightforward to ensure that people are able to access the shorelines when City parks are closed.

Councilmember Manahan stated that the Bill allows for access to the shorelines at night for the purpose of fishing and Native gathering rights, which are guaranteed in the State Constitution and Hawaii Revised Statutes. The Bill intends to clarify language that would help enforcement of park closures by defining how a person can traverse through a park to reach the shoreline. The Bill is a work in progress and he looks forward to further discussion and consideration as the matter is referred back to Committee.

Committee Report 50 adopted and Bill 8, CD1 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.
NOES: None.

Related communication:

M-512 Richard C. Rath

ANNOUNCEMENTS

Council Chair Martin expressed birthday wishes to Councilmember Kobayashi. He also announced that the next regular Council meeting scheduled for April 17, 2013 will be held at Kapolei Hale at 10:00 a.m.

ADJOURNMENT

At 3:33 p.m., Councilmember Anderson moved that the Council stand adjourned until Wednesday, April 17, 2013, at 10:00 a.m. at Kapolei Hale. Seconded by Councilmember Harimoto and there being no objections from the 9 members present, it was so ordered by the Chair.

Respectfully submitted,

A handwritten signature in cursive script, reading "Bernice K. N. Mau".

BERNICE K. N. MAU
City Clerk

vc/el

DATE APPROVED:

April 17, 2013